

**REMARKS**

Reconsideration and allowance of the above-referenced application are respectfully requested.

**I. STATUS OF THE CLAIMS**

Claims 1, 12, 24 and 25 are amended herein and claim 14 is cancelled. Claims 1-2, 4-13, 15 and 17-25 are currently pending and under consideration.

**II. REJECTIONS OF CLAIMS**

The rejections based on Kawamata and Fette are respectfully traversed. Using independent claim 1 as an example, this claim recites determining that files necessary for a mobile station to receive a service are not stored at the mobile station. In contrast, Fette teaches that the radio 200 sends messages to server 110 to request software updates. Fette, col. 4, ln. 30-32. However, there is no teaching regarding why these updates are requested. Thus, there is no teaching that the requested updates are necessary for a mobile station to receive a service. These updates could be provided for other reasons. For example, an operator who is unfamiliar with his own personal software requirements may assume that any available update is necessary to his own system. Although these updates may provide advantages to other operators with different system requirements, the updates are not necessary for this operator's own particular purposes. However, the operator may request these updates nonetheless out of ignorance, even though they are not necessary. Furthermore, the updates may be necessary to the operator's own internal operations, as opposed to being necessary to receive a service.

Kawamata and Criss do not overcome these deficiencies in Fette, and are not relied on by the Examiner to do so.

In view of the above, it is respectfully submitted that the rejections are overcome.

**III. CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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